

[May 12, 1983]

[equal employment opportunity]

AMENDMENT TO H.R. \_\_\_\_\_

OFFERED BY MRS. COLLINS AND MR. LELAND

At the end thereof insert the following new section:

1                   EQUAL EMPLOYMENT OPPORTUNITY

2       SEC. \_\_\_\_\_. The Communications Act of 1934 is amended by  
3 inserting after section 6 the following new section:

4       ''SEC. 7. (a) This section shall apply to the following:

5           ''(1) licensees or permittees of commercially  
6 operated amplitude modulation, frequency modulation,  
7 television, or international broadcast stations,  
8 licensees or permittees of public broadcast stations,  
9 and other broadcast licensees;

10          ''(2) commercially operated amplitude modulation,  
11 frequency modulation, television, or international  
12 broadcast networks, and public broadcast station  
13 networks;

14          ''(3) common carriers;

15          ''(4) cable television systems;

16          ''(5) satellite operators, licensees, and  
17 permittees, whether doing business primarily as

1       broadcasters or primarily as common carriers; and

2               ''(6) headquarters operations of any of the entities  
3       listed in paragraph (1) through paragraph (5).

4       ''(b) Equal opportunity in employment shall be afforded  
5       by each entity specified in subsection (a), and no person  
6       shall be discriminated against in employment because of  
7       race, color, religion, national origin, age, or sex.

8       ''(c) Any entity specified in subsection (a) shall  
9       establish, maintain, and execute a positive continuing  
10       program of specific practices designed to ensure equal  
11       opportunity in every aspect of its employment policy and  
12       practice. Under the terms of its programs, it shall--

13               ''(1) define the responsibility of each level of  
14       management to ensure a positive application and vigorous  
15       enforcement of its policy of equal opportunity, and  
16       establish a procedure to review and control managerial  
17       and supervisory performance;

18               ''(2) inform its employees and recognized employee  
19       organizations of the equal employment opportunity policy  
20       and program and enlist their cooperation;

21               ''(3) communicate its equal employment opportunity  
22       policy and program and its employment needs to sources  
23       of qualified applicants without regard to race, color,  
24       religion, national origin, age, or sex, and solicit  
25       their recruitment assistance on a continuing basis;

1           ''(4) conduct a continuing program to exclude every  
2 form of prejudice or discrimination based on race,  
3 color, religion, national origin, age, or sex, from its  
4 personnel policies and practices and working conditions;  
5 and

6           ''(5) conduct a continuing review of job structure  
7 and employment practices and adopt positive recruitment,  
8 training, job design, and other measures needed to  
9 ensure genuine equality of opportunity to participate  
10 fully in all its organizational units, occupations, and  
11 levels of responsibility.

12          ''(d)(1) Not later than one hundred and eighty days  
13 after the effective date of this section, and after notice  
14 and opportunity for hearing, the Commission shall prescribe  
15 rules to carry out this section.

16          ''(2) Such rules shall specify the terms under which an  
17 entity specified in subsection (a) shall--

18           ''(A) disseminate its equal opportunity program to  
19 job applicants, employees, and those with whom it  
20 regularly does business;

21           ''(B) use minority organizations, organizations for  
22 women, media, educational institutions, and other  
23 potential sources of minority and female applicants, to  
24 supply referrals whenever jobs are available in its  
25 operation;

1           ''(C) train minority and female employees, interns,  
2       or both, or provide assistance to minority educational  
3       institutions and educational institutions for women so  
4       that they can provide such training, except that such  
5       requirement is not mandatory for entities specified in  
6       subsection (a) with fewer than five employees (including  
7       part-time employees);

8           ''(D) evaluate its employment profile and job  
9       turnover against the availability of minorities and  
10      women in its labor recruitment area;

11          ''(E) undertake to offer promotions of minorities  
12      and women to positions of greater responsibility;

13          ''(F) encourage minority and female entrepreneurs to  
14      conduct business with all parts of its operation; and

15          ''(G) analyze the results of its efforts to recruit,  
16      hire, promote, and use the services of minorities and  
17      women and explain any difficulties encountered in  
18      implementing its equal employment opportunity program.

19          ''(3) An applicant for a construction permit for a new  
20      facility under any provision of this Act, for assignment of  
21      license or construction permit, or for transfer of control  
22      (other than pro forma or involuntary assignments and  
23      transfers), an applicant for renewal of any license who has  
24      not previously made such an application, and an entity  
25      specified in subsection (a), shall file with the Commission

1 an equal employment opportunity program under the rules  
2 prescribed by the Commission under this subsection. A  
3 program shall not be required to be filed--

4       ''(A) by an applicant proposing to have, or an  
5 entity having, fewer than five employees (including part-  
6 time employees); or

7       ''(B) with respect to any minority group which is  
8 represented in such insignificant numbers in the labor  
9 recruitment area that a program would not be meaningful,  
10 except that, in such case, the applicant or entity shall  
11 file a statement of explanation with the Commission.

12       ''(4) Such rules also shall require an entity specified  
13 in subsection (a) to file an annual statistical report  
14 identifying by race and sex the number of employees in each  
15 of the following full-time and part-time job categories: (A)  
16 officials and managers; (B) professionals; (C) technicians;  
17 (D) sales persons; (E) office and clerical personnel; (F)  
18 skilled craft persons; (G) semiskilled operatives; (H)  
19 unskilled laborers; and (I) service workers.

20       ''(5) The Commission is authorized to amend such rules  
21 from time to time to the extent necessary to carry out the  
22 provisions of this section. Any such amendment shall be made  
23 after notice and opportunity for hearing.

24       ''(e)(1) An entity specified in subsection (a) shall be  
25 deemed to be in compliance with subsection (c) if--

1           ''(A) the total number of women employed by such  
2           entity is equal to at least 80 per centum of the number  
3           which bears the same ratio to the total number of all  
4           persons employed by such entity as the total number of  
5           women available in the labor recruitment area involved  
6           bears to the total number of all persons available in  
7           the overall work force in such area;

8           ''(B) the total number of women employed by such  
9           entity in the aggregate of positions in the job  
10          categories of officials and managers, professionals,  
11          technicians, and sales persons is equal to at least 80  
12          per centum of the number which bears the same ratio to  
13          the total number of all persons employed by such entity  
14          in such positions as the total number of women available  
15          for such positions in the labor recruitment area  
16          involved bears to the total number of all persons  
17          available for such positions in such area;

18          ''(C) the total number members of each minority  
19          group employed by such entity is equal to at least 80  
20          percent of the number which bears the same ratio to the  
21          total number of all persons employed by such entity as  
22          the total number of members of each minority group  
23          available in the labor recruitment area involved bears  
24          to the total number of all persons available in the  
25          overall work force in such area; and

1           ''(D) the total number of members of each minority  
2       group employed by such entity in the aggregate of  
3       positions in the job categories of officials and  
4       managers, professionals, technicians, and sales persons  
5       is equal to at least 80 percent of the number which  
6       bears the same ratio to the total number of all persons  
7       employed by such entity in such positions as the total  
8       number of members of each minority group available for  
9       such positions in the labor recruitment area involved  
10      bears to the total number of all persons available for  
11      such positions in such area.

12       ''(2) The requirements of subsection (c) shall not apply  
13      to any entity having fewer than five employees (including  
14      part-time employees).

15       ''(f)(1) In the case of an applicant for a construction  
16      permit for a new broadcast facility, for assignment of a  
17      broadcast license or construction permit, or for the  
18      transfer of control (other than pro forma or involuntary  
19      assignments and transfers) or for renewal of a broadcast  
20      license, the Commission shall not approve the application  
21      if, following a hearing, the Commission finds that the  
22      applicant does not meet the criteria in subparagraphs (A)  
23      through (D) of subsection (e)(1).

24       ''(2) In a hearing held in accordance with this  
25      subsection, the Commission may not consider any evidence of

1 upgrading of the performance of the applicant involved in  
2 employment of minorities and women which occurs after  
3 designation of the application for hearing.

4       ''(g) In addition to the powers reserved to the  
5 Commission under section 4(i), the Commission shall have the  
6 authority to take whatever additional steps it deems  
7 necessary and in the public interest to encourage equal  
8 employment opportunity.

9       ''(h) Any person who is determined by the Commission, in  
10 accordance with paragraphs (3) and (4) of section 502, to  
11 have willfully or repeated failed to comply with the  
12 provisions of this section or of any rule, regulation, or  
13 order issued by the Commission under this section, shall be  
14 liable to the United States for a forfeiture penalty in  
15 accordance with section 502. Notwithstanding such section,  
16 the forfeiture penalty under this subsection for any  
17 violation shall be any amount not to exceed \$500,000.

18       ''(i) For purposes of this section:

19           ''(1) The term 'network' means a national  
20 organization distributing programing for a substantial  
21 portion of each broadcast day to radio or television  
22 broadcasting stations, as the case may be, in all parts  
23 of the United States, generally through interconnection  
24 facilities.

25           ''(2) The term 'public broadcast station' has the

1        meaning given it in section 397(6).''.